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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---|
| Proceeding | 91221980 |
| Party | Defendant Clasado Inc. |
| Correspondence Address | MARTIN W SCHIFFMILLER KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERON 425 5TH AVE, 5TH FLOOR NEW YORK, NY 10016-2223 UNITED STATES mws@kirschsteinlaw.com |
| Submission | Answer |
| Filer's Name | Martin W. Schiffmiller |
| Filer's e-mail | mws@kirschsteinlaw.com |
| Signature | /Martin W. Schiffmiller/ |
| Date | 06/25/2015 |
| Attachments | ANSWER.pdf(79459 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

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| EPITO GENESIS, INC., | : | |
| | : | |
| Opposer, | : | |
| | : | |
| v. | : | Opposition No. 91221980 |
| | : | |
| CLASADO INC., | : | |
| | : | |
| Applicant. | : | |
| -----X | : | |

APPLICANT’S ANSWER TO OPPOSER’S OPPOSITION TO MARK BIMUNO

Applicant Clasado Inc., for its Answer to Opposer’s Opposition to Mark BIMUNO (“Opposer’s Opposition”), alleges as follows:

1. Applicant denies having knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of Opposer’s Opposition.
2. Applicant admits the allegations set forth in paragraph 2 of Opposer’s Opposition except to aver affirmatively that Applicant is not a “business entity of unknown origin” but is a corporation of Panama, as set forth in the U.S. Patent and Trademark Office data pertaining to the opposed application.
3. Applicant admits the allegations set forth in paragraph 3 of Opposer’s Opposition.

4. With respect to the allegations set forth in paragraph 4 of Opposer's Opposition, Applicant admits that Opposer is opposing Applicant's application to register the mark BIMUNO and otherwise denies said allegations.

5. Applicant denies the allegations set forth in paragraph 5 of Opposer's Opposition.

6. Applicant admits the allegations set forth in paragraph 6 of Opposer's Opposition.

7. With respect to the allegations set forth in paragraph 7 of Opposer's Opposition, Applicant admits that its application to register the mark BIMUNO was filed on November 14, 2014, which date was three days after the date of publication of Opposer's marks B-MUNE and BE-IMMUNE, and that Applicant's BIMUNO application was published for opposition on April 14, 2015.

8. Applicant denies the allegations set forth in paragraph 8 of Opposer's Opposition.

9. Applicant denies the allegations set forth in paragraph 9 of Opposer's Opposition.

10. With respect to the allegations set forth in paragraph 10 of Opposer's Opposition, Applicant denies that it is the owner of a trademark "BI2MUNO," affirmatively alleges that the trademark referred to by Opposer is actually

BiMUNO

and otherwise admits said allegations.

11. Applicant denies the allegations set forth in paragraph 11 of Opposer's Opposition.

12. Applicant denies the allegations set forth in paragraph 12 of Opposer's Opposition.

13. With respect to the allegations set forth in paragraph 13 of Opposer's Opposition, Applicant cannot respond to these allegations because it does not understand what is meant by the phrase "Applicant's Services" inasmuch as neither Applicant's Application No. 86455011

nor Applicant's Registration No. 3376147 referred to in Opposer's Opposition pertain to any services.

14. With respect to the allegations of paragraph 14 of Opposer's Opposition, Applicant avers that it does not understand what is meant by the phrase "Applicant's Services;" affirmatively avers that Applicant's Application was filed under Trademark Act Section 1(b); and otherwise denies said allegations.

15. Applicant denies the allegations set forth in paragraph 15 of Opposer's Opposition.

16. Applicant denies the allegations set forth in paragraph 16 of Opposer's Opposition.

17. Applicant admits the allegations set forth in paragraph 17 of Opposer's Opposition.

18. Applicant admits the allegations set forth in paragraph 18 of Opposer's Opposition.

19. Applicant denies the allegations set forth in paragraph 19 of Opposer's Opposition.

20. Applicant denies the allegations set forth in paragraph 20 of Opposer's Opposition.

AFFIRMATIVE DEFENSE

21. Applicant's mark BIMUNO which is the subject of the application opposed herein is nearly identical to Applicant's mark

BIMUNO

which is the subject of U.S. Registration No. 3376147 issued in January 2008, long before Opposer's Application Nos. 86298471 and 86298469 for BE-IMMUNE and B-MUNE were filed under Section 1(b) of the Trademark Act. Moreover, the goods in Class 5 identified in Applicant's Registration No. 3376147 are substantially similar to the goods in Class 5 identified in the presently opposed application for BIMUNO. Thus, Applicant enjoys senior rights in the opposed trademark BIMUNO as applied to goods in Class 5 as compared to Opposer's alleged

rights in its trademarks BE-IMMUNE and B-MUNE with respect to goods in that class.

WHEREFORE, Applicant prays that the Opposition be denied and a registration granted on Application Serial No. 86455011.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL,
SCHIFFMILLER & PIERONI, P.C.
Attorneys for Applicant
425 Fifth Avenue
New York, New York 10016-2223
(212) 697-3750

By /Martin W. Schiffmiller/
Martin W. Schiffmiller

Dated: New York, New York
June 25, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Answer to Opposer's Opposition to Mark BIMUNO was served on Opposer by first class mail, postage prepaid, in an envelope addressed to:

Ms. Shore Padrah
Epito Genesis Inc.
ATL Building Room 101
1392 Storrs Road
Storrs, CT 06268

this 25th day of June, 2015.

/Deborah Egan/
Deborah A. Egan